

**CITY OF BRANDON PLANNING COMMISSION**

***REGULAR MEETING***

**Wednesday, July 7, 2021 - 7:00 p.m.**

**Council Chambers - City Hall**

# **AGENDA**

**1.0 Roll Call**

**2.0 Adoption of Agenda**

**3.0 Confirmation of Minutes**

**4.0 Public Hearing**

- a. **By-law No. 7303 Rezone; Variance**  
**Closed Lane at the Perimeter of 25 – 20<sup>th</sup> Street**  
**Owner: Chukwudi Elvis Okonji**  
**Applicant: Joel Cardinal-Schultz**

Following receipt of all representation, it is the recommendation of the Planning & Buildings Department:

1. That the Public Hearing for By-law 7303 (Z-04-21) and Variance Application (V-08-21) at closed lane at the perimeter of 25 – 20<sup>th</sup> Street (Closed lane, Block 10, Plan 15 BLTO) be concluded.
2. That the Planning Commission recommend City Council approve By-law No. 7303 (Z-04-21) to rezone the closed lane at the perimeter of 25 – 20<sup>th</sup> Street (Closed lane, Block 10, Plan 15 BLTO) from Residential Low Density (RLD) to Residential Moderate Density (RMD), subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:
  - i. The Developer agrees to develop a 12-plex multi dwelling-unit residential building in general consistency with the attached site plan;
  - ii. The Developer agrees to construct a sidewalk along 20<sup>th</sup> Street for the entire length of the property;
  - iii. The Developer agrees to enter into a statutory easement agreement with the City of Brandon for public drainage being conveyed from the 1900 block of Rosser Avenue over the legally closed portion of lane;

- iv. The Developer agrees to provide a servicing assessment, prepared by a professional engineer, demonstrating there is sufficient water and sewer capacity available within the existing system. Such submission shall accompany the design drawings at the time of development permit;
- v. The Developer agrees to contribute \$970.42 for cash in lieu of land dedication of public reserve. This contribution is due in full upon execution of the development agreement;
- vi. The Developer agrees to contribute to the Brandon School Division in lieu of land dedication in the amount of \$2,430.00;
- vii. The Developer agrees to provide a Detailed Cost Estimate for all work proposed to be completed within the City's right-of-way. The Detailed Cost Estimate is to be prepared by the Developer's Consulting Engineer and is submit to review and acceptance by the City Engineer;
- viii. The Developer will be responsible to submit a certified cheque totalling 25% of the Detailed Cost Estimate. Submission of the certified cheque is required prior to the issuance of a development permit.

And that Administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interests in accordance with any procedures, policies, by-laws and Acts.

### **Variance**

3. That Variance Application V-08-21 to vary the following under the Zoning By-law at 25 – 20<sup>th</sup> Street and the closed lane at the perimeter (Lot 11/13, Block 10, Plan 15 BLTO; Closed lane, Block 10, Plan 15 BLTO) in the Residential Moderate Density (RMD) Zone:
  - Table 1 under Section 24 by decreasing the distance of balcony projection to the front site line from 4.0m to 1.5m
  - Table 10 under Section 51 by decreasing the required
    - Front yard from 4.6m to 3.0m
    - Interior side yard from 3.0m to 1.2mbe approved in accordance with the letter of intent "Attachment B" and site plan "Attachment C-3".

**b. Conditional Use**  
**941 – 2<sup>nd</sup> Street**  
**Owner: Joe Schroeder**  
**Applicant: Joe Schroeder**

Following receipt of all representation, it is the recommendation of the Planning & Buildings Department:

1. That the Public Hearing for Conditional Use Application C-05-21 at 941 – 2<sup>nd</sup> Street (Part Lots 37/38, Block 52, Plan 12 BLTO) be concluded.
2. That Conditional Use Application C-05-21-B to allow for a duplex on an interior lot in the Residential Single Detached (RSD) Zone be approved at 941 – 2<sup>nd</sup> Street North (Part Lots 37/38, Block 52, Plan 12 BLTO) in accordance with the attached letter of intent “Attachment A-1” and site plan “Attachment B-3”, and elevation plan “Attachment B-4” subject to the owner or successor:
  - i. Submitting a lot grading plan with a building permit that identifies all stormwater runoff to the front street;
  - ii. The property owner, when applying for a building permit, amending the site plan to show on-site hardsurfaced parking; and
  - iii. Prior to the issuance of building permit, relocating the existing gazebo at 935, 2<sup>nd</sup> Street North to comply with the Zoning By-law.

**c. Variance Application**  
**759 – 6<sup>th</sup> Street**  
**Owner: Dennis Joseph Yanick**  
**Applicant: Myria Design (Kate McKenzie)**

Following receipt of all representation, it is the recommendation of the Planning & Buildings Department:

1. That the Public Hearing for Variance Application V-11-21 at 759 – 6<sup>th</sup> Street (Lots 28/30, Block 60, Plan 8 BLTO) be concluded.
2. That Variance Application V-11-21 to vary Note 9 of Table 10 of the Zoning By-law by decreasing the required reverse corner side yard from 4.6m to 3.0m in the Residential Moderate Density (RMD) Zone be approved at 759 – 6<sup>th</sup> Street (Lots 28/30, Block 60, Plan 8 BLTO) in accordance with the letter of intent “Attachment A”, attached site plan “Attachment B-3”, and elevation plan “Attachment B-4”, subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:
  - i. The Developer agrees to construct a 10-unit multiple dwelling building in general consistency with the site and elevation plans.

- ii. The Developer agrees to upgrade the City boulevard which shall include installation of curb, gutter and a public sidewalk along the north side of College Avenue for the entire length of the site.
- iii. The Developer agrees to relocate the hydro pole currently located within the proposed parking lot to an area in which it will not obstruct any parking stall(s). Such relocation shall be shown on the site plan submitted for a development permit.
- iv. The Developer agrees to provide a Detailed Cost Estimate for all work proposed to be completed within the City's right-of-way. The Detailed Cost Estimate is to be prepared by the Developer's Consulting Engineer and is submit to review and acceptance by the City Engineer.
- v. The Developer will be responsible to submit a certified cheque totalling 25% of the Detailed Cost Estimate. Submission of the certified cheque is required prior to the issuance of a development permit.

And that Administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interests in accordance with any procedures, policies, by-laws and Acts.

**d. By-law No. 7306 Rezone; Subdivision  
1955 – 34<sup>th</sup> Street, 1906 – 26<sup>th</sup> Street and 1901 – 34<sup>th</sup> Street  
Owner: Bellafield Holdings Ltd. & VBJ Developments Ltd.  
Applicant: Steve McMillan (VBJ Developments)**

Following receipt of all representation, it is the recommendation of the Planning & Buildings Department:

1. That the Public Hearing for By-law No. 7306 Z-05-21 and Subdivision Application at 1955 – 34<sup>th</sup> Street, 1906 – 26<sup>th</sup> Street and 1901 – 34<sup>th</sup> Street (Pt. SW ¼ 10-10-19 WPM, Parcel A, Plan 1618 BLTO, and Lots 2&4, Plan 1731 BLTO) be concluded.
2. That the Planning Commission recommend City Council approve By-law No. 7306 Z-05-21 to rezone a portion of 1955 – 34<sup>th</sup> Street, 1906 – 26<sup>th</sup> Street and 1901 – 34<sup>th</sup> Street (Pt. SW ¼ 10-10-19 WPM, Parcel A, Plan 1618 BLTO, and Lots 2&4, Plan 1731 BLTO) from Agricultural General (AG80) under the RM of Cornwallis Zoning By-law No. 1558/09/99 to Residential Low Density (RLD).

### Subdivision

3. That the Planning Commission recommend City Council approve the application to subdivide (4500-21-713) a portion of 1955 – 34<sup>th</sup> Street, 1906 – 26<sup>th</sup> Street and 1901 – 34<sup>th</sup> Street (Pt. SW ¼ 10-10-19 WPM, Parcel A, Plan 1618 BLTO, and Lots 2&4, Plan 1731 BLTO) to create sixty three (63) bare land condominium lots, and extend a portion of public road (Chipperfield Drive) in the Residential Low Density (RLD) zone, subject to the owner or successor:
  - i. Entering into a development agreement with the City of Brandon, to be registered in series with the subdivision, with the following conditions:
    - a. The Developer agrees to develop 63 bare land condominium units, common element and public right-of-way in general consistency with the attached site and elevation plans.
    - b. The Developer agrees to contribute \$437,225.00 towards 50% of the estimated cost of developing 26<sup>th</sup> Street from the future intersection of Maryland Avenue and 26<sup>th</sup> Street south along the easterly property line of the proposed subdivision. Such contribution shall include 190 metres of curb, sidewalk, boulevard, street lights, a multi-use path way and trees. Payment shall be required in full upon execution of the development agreement.
    - c. The Developer agrees to legally open, extend and construct the new public right-of-way of Chipperfield Drive as proposed on the plan of subdivision and to extend all below and above ground municipal services for the right-of-way. The Developer will be required to submit design drawings as prepared by a professional engineer; such design is subject to review and acceptance by the City Engineer.
    - d. The Developer agrees to connect the new extension of Chipperfield Drive to the existing 26<sup>th</sup> Street to provide a connection to the properties at 2025 – 26<sup>th</sup> Street and 2059 – 26<sup>th</sup> Street. The road surface from the extension of Chipperfield Drive to 26<sup>th</sup> Street can be gravel surface and 7.3 meters in width excluding shoulders. The subgrade must be designed to accommodate the B12 design vehicle. The Developer agrees to provide safe and adequate public access at all times during construction.
    - e. The Developer agrees to enter into an Easement Agreement with the City of Brandon allowing access for the properties of 2025 – 26<sup>th</sup> Street and 2059 – 26<sup>th</sup> Street over the Developer's private land. Such Easement

Agreement will be required to be registered in series with the Plan of Subdivision.

- f. The Developer agrees to block off the existing section of 26<sup>th</sup> Street between the north limit of the new intersection where the gravel portion of Chipperfield Drive connects to 26<sup>th</sup> Street and the south limit of the driveway of 1905 – 26<sup>th</sup> Street in order to restrict vehicle traffic along this portion of 26<sup>th</sup> Street. The Developer agrees to block off this road by installing immovable barricades such as jersey barriers.
- g. The Developer agrees to construct an emergency access to the Lands by way of the existing 26<sup>th</sup> Street through the proposed new private street in this subdivision area. The Developer agrees this connection shall be blocked to all public and construction vehicles at all times and further agrees to install bollards or a gate. This access shall only be accessible to the Brandon Fire & Emergency Services by way of key to the bollards or gate.
- h. The Developer agrees to ensure connectivity and emergency access, within the neighbourhood plan area, is compliant with the Neighbourhood Plan Traffic impact study and the Brandon Fire & Emergency Services Street Development Regulation by agreeing the next phase/stage of development shall include a provision to extend an internal collector street to 34<sup>th</sup> Street.
- i. The Developer agrees to dedicate a 4m x 10m portion of land in the NE corner of the Lands as right-of-way to accommodate the construction of a future roundabout intersection at the corner of 26<sup>th</sup> Street and Maryland Avenue. Such dedicated land shall be shown on the Plan of Subdivision.
- j. The Developer agrees to use Patricia Avenue, south of the Lands, for construction access. When conditions warrant and as approved by the City Engineer, the Developer will be allowed to access the subdivision via Maryland entering from 18<sup>th</sup> Street. A construction access plan is to be reviewed and accepted by the City Engineer prior to the issuance accepted design drawings.
- k. The Developer agrees to extend and construct a wastewater main from Marquis Crescent south east through the public reserve and south into the Maryland Avenue and 26<sup>th</sup> Street right-of-way in order to service the Lands. The Developer will be required to submit design drawings as prepared by a professional engineer; such design is subject to review and acceptance by the City Engineer.

- l. The Developer agrees, in accordance with the 10 States Standards, to construct a minimum vertical separation of 460mm (18") between the proposed wastewater main connecting to Marquis Crescent and the existing watermain within Marquis Crescent.
- m. The Developer agrees all public wastewater mains servicing the proposed development are to be a maximum diameter of 200mm and meet a minimum slope of 0.40% with a minimum velocity of 0.61m/s. Should the Developer not be able to meet those requirements, they will be required to maintain ownership of the mains to the connection at existing wastewater manhole 5-76.
- n. The Developer agrees any surface restoration within the right-of-way required as a result of construction is to be brought to that of a pre-development condition including non-typical surfacing materials.
- o. The Developer agrees all stormwater runoff generated by the development is to be directed towards the existing Bellafield stormwater pond. Any interim conveyance measures are to remain private. Design is to be reviewed and accepted by the City Engineer.
- p. The Developer agrees that should any private lots be designed to convey shared drainage with the use of swales, easements are to be registered on all affected private lots. Such easements will be required to be registered in series with the Plan of Subdivision.
- q. The Developer agrees to enter into a Private Sewer and Water Agreement with the City of Brandon regarding private servicing of the condominium development. The Private Sewer and Water Agreement will be required to be registered in series with the Plan of Subdivision.
- r. That should any private hydrants be installed on private property, that all costs associated with the general maintenance and up keep are the sole responsibility of the condominium corporation. The Developer further agrees that only City employees and those people with written authorization from the City Engineer, will operate said hydrant(s).
- s. The Developer will be required submit a landscaping plan and to plant boulevard trees in the City right-of-way as per the City's Urban and Landscape Design Standards Manual. Boulevard trees are subject to a one year warranty period.
- t. The Developer agrees to update their neighbourhood plan to include an additional public reserve land dedication proportionate to 10% of the additional gross land area added to the Neighbourhood Plan.

- u. Within one year of executing the development agreement or prior to application for the next subdivision/rezoning in the Bellafield Neighbourhood Plan, the Developer agrees to submit an updated Neighbourhood Plan with supporting engineering studies for review by City administration and approval by City Council.
- v. The Developer agrees to provide written confirmation that necessary arrangements have been made for postal service and that the pick-up / drop off location of the community mail box has been determined between the Developer and Canada Post, to the approval of Canada Post.
- w. The Developer acknowledges the site will be subject to development charges. Network Infrastructure charges of \$XXXXXXX (2021 rate) are due upon the execution of the development agreement in accordance with Schedule B-3 of the Development Charges By-law. Additional development charges will be charged against any future buildings and will be applied at the time of issuance of a building permit.
- x. The Developer agrees, prior to the issuance of the subdivision certificate of approval, to contribute to the Brandon School Division in lieu of land dedication. Payment of and receipt will be required prior to issuance of accepted design drawings.
- y. The Developer agrees to provide the City with a Detailed Cost Estimate for all work proposed to be completed within the City's right-of-way. The Detailed Cost Estimate is to be prepared by the Developer's Consulting Engineer and is subject to review and acceptance by the City Engineer.
- z. The Developer will be responsible to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate. Submission of the Letter of Credit is required prior to the issuance of a development permit.

And that Administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interests in accordance with any procedures, policies, by-laws and Acts.

- ii. Providing written confirmation to the City of Brandon Planning & Buildings Department that taxes for the property to be subdivided, for the current year plus any penalty, interest and arrears, have been paid in full or arrangements must be made satisfactory to Brandon City Council.
- iii. Submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for a joint



Blanket Easement Agreement and Plan of Easement to the satisfaction of Manitoba Hydro, BellMTS, Westman Communications Group, and registering the easement agreement along with the easement plan, if required, in series with the plan of subdivision.

- iv. Submitting a street name to the City of Brandon Planning & Buildings Department for review and approval by City Council.

- e. **Variance Extension**  
**4100 Grand Valley Road**  
**Owner: Mark & Joan Kovatch**  
**Applicant: Mark Kovatch**

Following receipt of all representation, it is the recommendation of the Planning & Buildings Department:

3. That the Public Hearing for Variance Extension at 4100 Grand Valley Road be concluded.
4. That the approval deadline of Variance Order V-03-18-B be extended to July 31, 2022.

## **5.0 General Business**

- a. Tracking Table
- b. Administrative Business
- c. Absences From Upcoming Meetings

## **6.0 Adjournment**